

Archived Information

**U.S. DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
REHABILITATION SERVICES ADMINISTRATION
WASHINGTON, D.C. 20202**

**TECHNICAL ASSISTANCE CIRCULAR
RSA-TAC-91-01
RSM-2040 1/
DATE: November 16, 1990**

**TO: STATE VOCATIONAL REHABILITATION AGENCIES
(GENERAL)
STATE VOCATIONAL REHABILITATION AGENCIES (BLIND)
CLIENT ASSISTANCE PROGRAMS
RSA DISCRETIONARY GRANTEES
RSA SENIOR MANAGEMENT TEAM**

SUBJECT: Rehabilitation Engineering Technology (See also RSA-PD-91-03)

STATUTORY AND REGULATORY CITATIONS:

Sections 7(5)(H), and (12), 101(a)(5)(C), 101(a)(8), 101(a)(9), 101(a)(16), 102(a) and (b) and (c), 103(a)(1)(A), and 103(a)(12) of the Rehabilitation Act of 1973, as amended

34 CFR Sections 361.1, 361.2(b)(1)(i) and (2)(iii), 361.32(c), 361.33(b), 361.34, 361.35(d), 361.39, 361.40, 361.41, 361.42(a)(15) and (b), 361.47(a) and (b)(2)(v), and 361.58

BACKGROUND: The 1986 Amendments to the Rehabilitation Act of 1973 {Public Law 99-506} placed a new emphasis on the provision of rehabilitation technology services. The term "rehabilitation engineering" is defined in the Act at Section 7(12) as: "the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of and address the barriers confronted by individuals with handicaps in areas which include education, rehabilitation, employment, transportation, independent living, and recreation." With the addition of this definition of rehabilitation engineering, and other provisions regarding an assessment of the need for rehabilitation engineering services throughout the rehabilitation process incorporated into the Act by Public Law 99-506, it is clear that Congress

intended that greater emphasis be placed on the furnishing of rehabilitation technology.

In an effort to provide information to the States for training purposes regarding the Act and the intent of Congress about the increased provision of rehabilitation technology, the National Institute on Disability and Rehabilitation Research (NIDRR) funded a grant in October 1986 to the University of Wisconsin-Stout for the Thirteenth Institute on Rehabilitation

Issues (IRI) to develop a publication entitled Rehabilitation Technologies. This publication is an excellent source of information and can be purchased through the:

National Clearing House
Oklahoma State University
816 West 6th Street
Stillwater, Oklahoma 74078

or the:

Research and Training Center
School of Education and Human Services
University of Wisconsin-Stout
Menomonie, Wisconsin 54751

Subsequent to enactment of the 1986 amendments to the Rehabilitation Act of 1973, Congress passed and the President signed Public Law 100-407, Technology Related Assistance for Individuals with Disabilities Act, known as the "Tech. Act". As of this date, twenty-three (23) grants have been awarded to States for the development and implementation of consumer-responsive programs of technology-related assistance for individuals of all ages with disabilities. Of the 23 State grants presently funded, 13 were awarded to State vocational rehabilitation (VR) agencies as the lead agency. In addition, NIDRR has funded a national technical assistance contract to assist States in implementing plans in the area of technology. This technical assistance contract was awarded to RESNA (formerly the Rehabilitation Engineering Society of North America). For further information contact:

Ms. Karen Franklin
Program Director, RESNA
Suite 700, 1101 Connecticut Avenue, N.W.
Washington, DC 20036

Ms. Franklin's telephone number is (202) 857-1140.

The dramatic growth of technology has added many new devices, aids, and enhancements, which can effectively eliminate many barriers encountered by individuals with disabilities. Rehabilitation technology is available either to substitute for functions lost through disability, or to supplement or enhance existing functions in order to expand employment and independent living opportunities. Thus, it encompasses a range of services, which can supplement and enhance individual functions. It also encompasses services, which impact the environment through environmental changes, such as job re-design or worksite modifications. Rehabilitation technologists may employ one or both types of services in order to enhance employment opportunities for an individual. Today, the use of rehabilitation technology significantly increases the ability of rehabilitation agency clients in achieving independent and productive lives. Rehabilitation technology greatly enhances the effectiveness of other rehabilitation agency services and activities.

GUIDELINES AND SUGGESTED METHODS:

A. Evaluation of VR Potential

Each State VR agency when conducting an evaluation of VR potential (or extended evaluation to determine VR potential) must provide if appropriate, rehabilitation engineering services to any individual with a handicap in order to assess and develop the individual's capacities to perform adequately in a work environment. An evaluation of a client's need for rehabilitation engineering services must be performed by personnel skilled in rehabilitation engineering technology. Rehabilitation engineering services can be provided by VR State agencies without consideration of the availability of comparable services and benefits from any other program. However, where rehabilitation engineering services are readily available to the individual from other sources such resources should be used.

B. The IWRP

If rehabilitation engineering services are an integral component to the rehabilitation of an individual with handicaps, the individualized written rehabilitation program (IWRP) must identify the specific rehabilitation engineering services to be provided to assist in the attainment of intermediate objectives and long-range rehabilitation goals for the individual. Such services are exempt from the requirement to use comparable services and benefits available under any other program; however, where rehabilitation

engineering services are readily available to the individual from other sources it is prudent to use such resources at any point in the rehabilitation process.

C. Economic Need

State VR agencies can not condition the provision of an evaluation of rehabilitation potential, including diagnostic and related services (which is part of the determination of eligibility), on economic need. Under a program of extended evaluation to determine VR potential, rehabilitation engineering services, other than of a diagnostic nature, may be subject to economic need if a State so elects.

There is no Federal requirement that the financial need of an individual with handicaps be considered in the provision of any VR services, including rehabilitation engineering services. If a State VR agency establishes an economic needs test for rehabilitation engineering services, or for any other service for which an economic needs test is permitted, the State VR agency must maintain written policies identifying the criteria and methods for determining financial need. Such policies must be applied uniformly so that equitable treatment is accorded all individuals with handicaps in similar circumstances.

An economic needs test may be applied for the provision of rehabilitation engineering services as a post-employment service necessary for the individual to maintain or regain other suitable employment. The needs test policy, however, can be no more restrictive for a client who is receiving rehabilitation engineering as a post-employment service than that which was applied to such service prior to the client's having been determined rehabilitated.

D. Reviews

The IWRP must be reviewed as often as necessary but at least on an annual basis. Each individual with handicaps or, as appropriate, that individual's parent, guardian, or other representative, must be given the opportunity to review the IWRP and, if necessary, redevelop and agree to its terms. The utilization of rehabilitation engineering technology may lead to a re-development of the IWRP with revised intermediate and long-range rehabilitation objectives.

When conducting an annual review of any case closed after services were begun because the individual was found to be incapable of achieving a vocational goal and was therefore no longer eligible, such review should, as appropriate, utilize the expertise available through rehabilitation engineering and related technology. The State VR agency is responsible for initiating the first review of the ineligibility decision. Any subsequent reviews should also utilize the expertise available through rehabilitation engineering technology.

In meeting the requirement for periodic review and re-evaluation, at least annually, of those individuals closed in extended employment in rehabilitation facilities, maximum use of rehabilitation technology should be made in identifying and evaluating those individuals' capabilities for competitive employment.

E. State Plan

Each State VR agency must provide, as an attachment to its Title I Three Year State Plan, a description of how rehabilitation engineering services will be provided to assist an increasing number of individuals with handicaps. This attachment can address the methods undertaken by the State VR agency to train professional staff in the utilization of rehabilitation technology in areas such as (1) evaluating client needs; (2) providing technical assistance to employers to foster job development, job modification, and architectural accessibility; (3) providing technical assistance to public schools if there is a program of transitioning clients from school to work; and (4) providing technical assistance to the business community in creating employment opportunities. This description should be tied into the findings of Statewide studies and the annual evaluation of the State VR agency's program as well as the methods used by the State VR agency to expand and improve services to those individuals who have the most severe handicaps as required by attachment 8.4A of the State plan.

F. Written Policy

As is the case with all other VR services for individuals, each State VR agency must establish and maintain a written policy on the nature and scope and the conditions, criteria, and procedures under which rehabilitation engineering services are to be provided. This written policy should address the need for rehabilitation engineering services at any time in the rehabilitation process, including evaluation of rehabilitation potential (preliminary and thorough diagnostic study), extended evaluation, services provided under an IWRP, annual reviews of ineligibility decisions, annual reviews of extended employment in rehabilitation facilities, and post employment services.

In establishing its policies, State VR agencies have the discretion under Section 101(a)(6)(A) of the Rehabilitation Act and 34 CFR 361.42(b) to establish a reasonable fee schedule and a maximum dollar limit on reimbursement for a particular service, provided the limit (1) is designed to ensure the lowest reasonable cost to the program for such a service, (2) is not so low as to effectively deny any client a necessary service, and (3) is not absolute and permits exceptions so that individual client needs can be addressed.

When applying these policies, State VR agencies' guidelines on "case services annual dollar limits" and "specific service dollar limits" must take into account the following principles based in law and regulations.

Service decisions should not be subject to arbitrary, categorical limitations on expenditures when the applicant is eligible and the service is otherwise appropriate.

Reasonable fee schedules should be established; however, fee schedules should be sufficiently flexible to allow for exceptions to established limits based upon appropriate justification of a client's individual needs and circumstances.

Regulations contained in EDGAR (34 CFR Part 80.22(b) -OMB Circular A-87) provide, in part, that costs to be allowable under a grant program must be necessary and reasonable for the proper and efficient administration of the grant program.

There is an obligation to exercise prudence in the development of a client's IWRP. Employment objectives must be realistic and attainable within the constraints of funds available to the VR program.

These principles govern all goods and services, which are available to eligible clients under the State agency's plan of services for individuals with handicaps.

G. Additional Sources of Information

National Rehabilitation Information Center (NARIC)

8455 Colesville Road, Suite 935
Silver Spring, Maryland 20910-3319.

NARIC produces a bibliographic database, REHABDATA, covering disability related research literature. REHABDATA includes citations to research reports from NIDRR-sponsored centers and other sources, scholarly papers, and selected journal articles as well as audiovisual materials and reference documents.

ABLEDATA SERVICES

Newington Children's Hospital
181 East Cedar Street
Newington, Connecticut 06111

ABLEDATA maintains and updates a database of commercial products for use in all aspects of independent living.

Job Accommodation Network (JAN)

West Virginia University
809 Allen Hall
Morgantown, West Virginia 26506

Project Manager: Barbara Judy
(800) 526-7234

Financing Adaptive Technology: A Guide to Sources and Strategies for Blind and Visually Impaired Users

by
Steven B. Mendelsohn
Smiling Interface
Post Office Box 2792
Church Street Station
New York, New York 10008-2792

(212) 222-0312

This book develops strategies for financing rehabilitation technology that is appropriate for the non-blind population as well.

National Clearing House of Rehabilitation Training Materials

816 West 6th Street
Oklahoma State University
Stillwater, Oklahoma 74078

(405) 624-7650

INQUIRIES: RSA Regional Commissioners

Nell C. Carney
Commissioner of Rehabilitation Services
Administration

cc: CSAVR
NAPAS